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09/857,861	06/11/2001	Michiyasu Tano	F 6975	1173

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Jordan & Hamburg
122 East 42nd Street
New York, NY 10168

EXAMINER

MARC COLEMAN, MARTHE Y

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,861

Applicant(s) **SW**

TANO ET AL.

Examiner

Marthe Y Marc-Coleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-13 is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 15 is/are rejected.
- 7) ☒ Claim(s) 7 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This office action is in response to Application serial No. 09/857,861 filed on June 11, 2001 in which claims 1-19 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5, and 17 recites the limitation "the time series". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 6, 8, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Coiner et al. (U.S. Patent No. 5,638,273).

In regard to claim 1, Coiner et al. discloses an operation management system for a mobile object comprising:

- a data recorder including means for detecting behavior of a mobile object that satisfies a complex collecting condition in accordance with mobile object operation factors different from each other before and after

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- occurrence of said behavior on the time series, and means for recording the detected behavior on a predetermined storage medium (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11); and
- condition setting means for setting said collecting condition, wherein said data recorder records only information relating to behavior compatible with the collecting condition set by said condition setting means on said storage medium according to the behavior (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11).

In regard to claim 2, Coiner et al. discloses that said data recorder includes means for intermittently recording information relating to behavior that does not satisfy said collecting condition, and said data recorder records said information intermittently recorded on said storage medium as distinguished from information relating to behavior compatible with said collecting condition (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11).

In regard to claim 3, Coiner et al. discloses that said condition setting means sets said collecting condition in accordance with at least one of identification information of an operator of said mobile object, behavioral environment of said mobile object, and a behavioral history of said operator (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11).

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In regard to claim 5, Coiner discloses an operation management system for s
mobile object comprising:

- means for detecting behavior of a mobile object before and after occurrence of said behavior on the time series when the behavior of said mobile object satisfies a predetermined collecting condition, and for intermittently detecting the behavior of said mobile object when the behavior of said mobile object dissatisfies said collecting condition (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11);
- means for recording information relating to the behavior detected on the time series and information relating to the behavior intermittently detected on a predetermined storage medium as distinguished from each other (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11); and
- means for reproducing operation circumstances of the corresponding mobile object based on each information recorded on said storage medium (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11).

In regard to claim 6, Coiner discloses a data recorder comprising:

- a sensor section for detecting behavior of a mobile object on the time series (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11); and
- recording means for determining the presence or absence or occurrence of a specific behavior in the behavior of the corresponding mobile object detecting by said sensor section in accordance with complex behavioral

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condition, which is a behavioral condition for determining said behavior as the specific behavior and which conforms to mobile object operation factors different from each other, and for recording information relating to the specific behavior on a predetermined storage medium (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11).

In regard to claim 8, Coiner et al. discloses that said recording means intermittently records information relating to the behavior of the corresponding mobile object on said storage medium as distinguished from information relating to said specific behavior when no specific behavior occurs (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11).

In regard to claim 14, Coiner et al. discloses a computer-readable storage medium having digital information recorded thereon, said digital information is causing a computer to execute procedure comprising:

- setting a first collecting condition for collecting information relating to a specific behavior of a mobile object and a second collecting condition for collecting information relating to normal behavior other than said specific behavior on a predetermined storage medium (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11);
- reading recorded information by behavior from said storage medium on which information relating to behavior compatible with said first and

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- second collecting conditions is recorded as distinguished from each other(see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11) ; and
- analyzing the behavioral content of the corresponding mobile object from said read information (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11).

In regard to claim 15, Coiner et al. discloses an operation tendency analyzing method for a mobile object comprising:

- the first step of determining the presence or absence of occurrence of specific behavior in behavior of the corresponding mobile object actually detected in accordance mobile object actually detected in accordance with behavioral conditions showing the specific behavior of the mobile object (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11);
- the second step of recording information relating to the specific behavior of the corresponding mobile object on a predetermined storage medium in accordance with occurrence of said specific behavior (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11); and
- the third step of analyzing an operation tendency of the corresponding mobile object based on information tendency of the corresponding mobile object based on information recorded on said storage medium (see col. 2 lines 38-60; col. 4 line 4-col. 5 line 11).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coiner et al. (U.S. Patent No. 5,638,273) in view of Graf et al. (U.S. Patent No. 6,311,114).

Coiner et al. fails to disclose that said storage medium is a card-like storage medium that is classified in accordance with at least one of identification information of said mobile object, identification information of an operator that operates said mobile object, and behavioral environment of said mobile object, and that is generated on a classification-by-classification basis.

These limitations are taught by Graft et al. (see col. 5 lines 3-20 and col. 8 lines 40-48).

At the time of the invention, it would have been obvious to one skilled in the art to incorporate the driver behavior and identification of the system controller of Graft into the data storage and analysis of Coiner et al. because it would implement specific preference of a vehicle driver into the vehicle computer system whereby the driver need not to make adjustments to the various onboard systems each the user access the vehicle.

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Allowable Subject Matter

7. Claims 7, 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 10-13 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marthe Y Marc-Coleman whose telephone number is (703) 305-4970. The examiner can normally be reached on Monday-Thursday from 9:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Patent Examiner
Marthe Y. Marc-Coleman
Marthe Y. Marc-Coleman

November 25, 2003